

**SOLICIT**

OCT 20 2004

U.S. PATENT & TRADEMARK OFFICE

# United States Court of Appeals for the Federal Circuit

04-1360  
(Serial No. 08/458,019)

IN RE ERIC A. JOHNSON, HUEI-HSIUNG YAN,  
BERIL GELDIAY-TUNCER, WILLIAM T. HALL, DAVID SCHREIBER,  
and KWOK HO (Real Party in Interest Biotechnology, Inc.),

## ON MOTION

Before NEWMAN, Circuit Judge.

## ORDER

Upon consideration of the parties' joint motion to remand the case to the United States Patent and Trademark Office for further proceedings,

### IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) Each side shall bear its own costs.

OCT 20 2004

Date



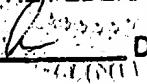
Pauline Newman  
Circuit Judge

cc: Dean H. Nakamura, Esq.  
John M. Whealan, Esq.

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ISSUED AS A MANDATE: OCT 20 2004

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UNITED STATES COURT OF APPEALS  
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By:  Date: OCT 20 2004

FILED  
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THE FEDERAL CIRCUIT

OCT 20 2004

JAN HORBALY  
CLERK